



UNODC

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No. 1 Pacific Anti-Corruption Factsheet

United Nations Convention against Corruption (UNCAC)

The United Nations Convention against Corruption (UNCAC) is the first legally binding, global anti-corruption instrument. The Convention was adopted by the General Assembly in October 2003 and entered into force in December 2005. To date, 187 countries have become States parties to UNCAC, representing a ground-breaking commitment to tackle corruption.

UNCAC is unique in its holistic approach, adopting prevention and enforcement measures, including mandatory requirements for criminalizing corrupt behaviours. The Convention also reflects the transnational nature of corruption, providing an international legal basis for enabling international cooperation and recovering proceeds of corruption (i.e. stolen assets). The important role of government, the private sector and civil society in fighting corruption is also emphasized. The Convention includes an implementation review mechanism, whereby each State party is reviewed periodically by two other States parties on its implementation of UNCAC. The Convention also calls on each State party to provide technical assistance and training, and exchange information for the purpose of strengthening implementation.



Prevention

Prevention, as they say, is better than a cure. This is also the case in fighting corruption. By focusing on corruption prevention, the impact of corrupt behaviour can be reduced. For example, effective corruption prevention can: reduce opportunities for tax evasion thus increasing revenues; ensure a more even playing field for the private sector by limiting unfair advantages in winning contracts or achieving business licenses; and reduce leakage of public funds destined for delivering health and education services or building roads and other critical infrastructure.

As such, the Convention dedicates a chapter to corruption prevention with measures directed



Corruption begets more corruption and fosters a corrosive culture of impunity. The United Nations Convention against Corruption is among our primary tools for advancing the fight. Sustainable Development Goal 16 and its targets also offer a template for action. Through the Convention's peer review mechanism, we can work together to build a foundation of trust and accountability. We can educate and empower citizens, promote transparency and strengthen international cooperation to recover stolen assets.



António Guterres
UN Secretary-General

Key Chapters of UNCAC

- Chapter II: Preventive measures
- Chapter III: Criminalization and law enforcement
- Chapter IV: International cooperation
- Chapter V: Asset recovery

at both the public and private sectors. These measures include: developing and implementing anti-corruption policies; maintaining a body or bodies to implement prevention policies and to share anti-corruption knowledge; maintaining proper systems for the recruitment, hiring and promotion of public officials; ensuring transparency in the funding of political parties and candidates; preventing conflicts of interest and maintaining codes of conduct for public officials;

enabling the reporting of corrupt conduct; maintaining financial and other disclosures by public officials; as well as enforcing appropriate disciplinary measures. The Convention also requires: effective systems of procurement, based on transparency, competition and objective criteria in decision-making; transparency, accountability and integrity in managing public finances; transparency in public administration, including providing access to information; the integrity and independence of the judiciary and prosecution services; preventing corruption in the private sector; promoting the participation of civil society and individuals in the fight against corruption; and preventing money-laundering.

Criminalization and law enforcement

While corruption prevention is fundamental, being able to enforce the rules and hold people to account is vital to anti-corruption efforts. The Convention addresses the criminalization of a range of corrupt behaviours including: bribery, embezzlement and misappropriation (in both the public and private sectors); trading in influence; abuse of functions; illicit enrichment; money-laundering; concealment; and obstruction of justice.

Effective law enforcement is pivotal to investigating and prosecuting corruption. For this reason, UNCAC provides for a range of enforcement methods including: the freezing, seizure and confiscation of proceeds of corruption; witness and whistle-blower protections; maintaining a dedicated law enforcement capability; enabling cooperation with national authorities; overriding bank secrecy provisions to enable the investigation and prosecution of criminal offences; as well as enabling cooperation among national authorities, and also with the private sector. The Convention also provides guidance regarding the liability of legal persons, prosecution, adjudication and application of sanctions, as well as compensation for damage.

International cooperation

Given the transnational dimension of corruption, States parties are required to cooperate in criminal matters relating to corruption and

are encouraged to cooperate in civil and administrative proceedings. UNCAC also enables extradition and mutual legal assistance in the investigation and prosecution of corruption offences. The Convention itself can be used a legal basis for international cooperation.

Law enforcement cooperation is central to UNCAC, with the Convention addressing joint investigations and the use of special investigative techniques. Other forms of cooperation include the transfer of sentenced persons and criminal proceedings.

Asset recovery

As a fundamental principle underpinning the Convention, it was deemed essential by many developing countries to include provisions to enable the recovery of the proceeds of corruption, or stolen assets. Several provisions focus on how to prevent and detect transfers of the proceeds of corruption, including: the application of enhanced scrutiny to accounts and transactions of politically exposed persons; financial disclosure systems; identification of financial institution customers; establishing a financial intelligence unit; the direct recovery of property; confiscation through international cooperation; special cooperation without prior consent to disclose; as well as the return and disposal of assets. The key message to corrupt officials is that there will be no safe haven in which to hide the proceeds of corruption.

Technical assistance

States parties are encouraged to provide a range of technical assistance, including specialized training, financial and human resources, research and information sharing, to developing countries. UNODC and UNDP manage a joint project to support Pacific Island countries in implementing the Convention.

The full text of UNCAC is available at: https://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf

For more information, please contact:
unprac@un.org

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